

REBUTTAL TESTIMONY SUMMARY

BY

RICHARD ARNOLD

IN RESPONSE

**HIDDEN HILLS SOLAR GENERATING SYSTEM
SUBMITTED TO
CALIFORNIA ENERGY COMMISSION – DOCKET
UNIT**

ATTN: DOCKET NO. 11-AFC-02

1516 NINTH STREET, MS-4

SACRAMENTO, CA 95814-5512

DATED: February 11, 2013



Rebuttal Testimony – HHSEGS

Richard Arnold, Intervenor

CH2MHill Cultural Resources:

The information and/or assertions made about the lack of archaeological evidence present in the Hidden Hills area described in the Cultural Resources text produced by Clint Helton, RPA; W. Geoffrey Spaulding; and, Natalie Lawson is based on limited information that did not consider any American Indian perspectives, epistemology and knowledge about the area.

It is widely known and discussed in the CEC Ethnography that members of the Pahrump Paiute Tribe discuss and have knowledge about relatives who lived and used the proposed project area. Moreover, there is no attempt to include the ethnographic information into understanding the nature of the project area or the proposed cultural landscapes that are presented by CH2MHill.

The CH2MHill assertion the Pahrump Metapatch is not supported by available data and assumes it does not constitute a significant cultural resource. The FSA clearly indicates sufficient rationale about the presence of the site using archaeological evidence coupled with American Indian perspectives included in the FSA. These elements are consistent with the traditional views of Southern Paiutes who possess traditional ecological knowledge of traditional religious practitioners and Salt Singers who have similar accounts contained in the testimony below relating to the Salt Song Landscape.

Any recommendation by CH2MHill to discount CEC conclusions and mitigation relating to the Pahrump Metapatch Landscape are not warranted and inconclusive.

While CH2MHill is quick to point out “CEQA does not permit a lead agency to draw conclusions without substantial evidence,” a double standard is applied here by the attempting to gain the approval of CEC of their request. CH2MHill is overlooking the pertinent information that draws upon the archeological and ethnographic information contained in the FSA, which demonstrates the presence of the Pahrump Metapatch Landscape. The proponent’s questions the eligibility of the area and contends the CEC arrived at this conclusion based on guesses and conjecture. In reviewing the CH2MHill cultural resources section, it is clear their critiques of the FSA rely heavily on the CEC use of semantics such as the term “probably” or most likely” etc. These terms are taken out of context and do not accurately reflect the information contained in the FSA.

The proponent is critical in stating the “FSA appears to have selected a larger boundary based on an illustrative box provided in a map from a BLM document” stating “the box does not have a true relationship to the elements of the landscape as described...” This statement is intriguing because the proponent fails apply a similar position when describing the Salt Song Landscape and its “true relationship to the elements of the landscape, as described” or embedded in the songs.

The assertion that Native Americans have tended to the area is not substantiated is incorrect. Not only is this information contained in the CEC ethnography, it is embedded in described in studies that were part of the Old Spanish Trail nomination and ethnographic literature that describes American Indian horticulture.

It is important to note the Old Spanish Trail was used and known as the Paiute Trail that was used long before the arrival of the Spanish into the area. Often

it is characterized as a trail used by renegade Indians illustrating an image that is neither accurate nor correct.

Secondly, the proponent has failed to discuss and understand the importance of the trail throughout history. The proponent indicates the served as a major trade route between 1829 and 1849. While these dates may be generally accepted, there is no discussion bout the slave trade in the southwest of American Indians that is well documented in the ethnographic literature and nomination of the Old Spanish Trail.

Clearly this important cultural and historical trail is a significant link to other areas and is now managed by the National Park Service. Based on an earlier ethnographic report conducted for the nomination of the Old Spanish Trail, the area was used extensively by Southern Paiutes who resided in he Hidden Hills area. Further, the project proponent does not provide a citation of evidence of interacting with the National Park Service of this important resource

The proponent clearly and repeatedly discounts or overlooks the information that is included in the adjoining cultural landscapes that are interconnected with the Pahrump Metapatch Landscape and cannot be overlooked or omitted.

Any assertions made by the proponent relating to the presence of American Indians in the project area or within the adjoining interconnected landscapes, are due to their lack of a parallel ethnographic study or the attempt to engage knowledgeable tribal individuals to substantiate their unfounded findings.

Site-25 focuses on a visible road that appears on a 1956 USGS map and does not appear on a 1910, 1912 or 1942 30-minute map. The proponent uses the word “likely” to describe that, “likely” Wiley graded the road and was “...likely” constructed in 1954. It is interesting to note that apparently it is

appropriate for the proponent to use the term “likely” but when used in the FSA to describe the Pahrump Metapatch landscape, the proponent becomes critical for similar terminology.

CH2MHill Response to Ethnographic Landscapes - Lynne Sebastian, RPA

In this analysis, L. Sebastian, RPA (“Registered Professional Archaeologist”) she attempts to discredit the definition of 3 culturally important cultural landscapes described in the FSA. At no during the HHSEGS application process have comprehensive or systematic studies been conducted in the Hidden Hills vicinity to identify Sacred Sites, TCPs or Cultural Landscapes. Although commendable efforts were attempted in the CEC ethnographic study contained in the Cultural Resource section of the FSA, it is important to note that this report was not designed or intended to collect the necessary data for eligibility as a TCP or Sacred Site, as purported by L. Sebastian.

Since L. Sebastian has not taken the liberty or opportunity to visit the project area or most importantly talk to knowledgeable tribal representatives rises question about her understanding of the Hidden Hills area.

Sacred Site/TCP/Landscape Study for HHSEGS

Salt Song Landscape

In an attempt to provide a summary to gain some further insight into the Salt Song Landscape, it is important to point out the landscape is defined by detailed songs. These songs have strict protocols that describe the landscape and features in various and specific parts of California, Nevada, Utah and Arizona. They are highly religious and ceremonial songs and an integral part of Southern Paiute/Chemehuevi culture and epistemology, which describe the journey or trail of Traditional Practitioners, spirits, and deceased person(s),

who must travel to the afterlife. These songs are still sung regularly at funerals and considered an integral part of Southern Paiute/Chemehuevi Religion, as defined in the American Indian Religious Freedom Act. (Public Law No. 95-341, 92 Stat. 469 (Aug. 11, 1978), codified at 42 U.S.C. § 1996)

Many areas within the Salt Song Landscape are culturally sensitive, critically important and do not currently exist on any recorded map. Rather, some maps have attempted to identify general locations or areas, such as Carobeth Laird, a non-Indian married to George Laird, a Chemehuevi tribal member. Carobeth subsequently published her husband's account of the Salt Song Trail in a book entitled: *The Chemehuevis* in 1976 through the Malki Museum Press in Banning, CA. The information contained in this particular account differs slightly from other accounts primarily because Chemehuevi Tribal Members share information, which states George Laird, was not a Salt Singer and therefore, could not provide accurate information.

The more recently produced Salt Song Map approved by several Salt Singers from the 14 Bands of Southern Paiute/Chemehuevi tribes. The Storyscape Project of the Central Conservancy more commonly referred to as the Salt Song Project developed this map. The common theme between both Laird and Salt Song Project maps are that they were both intended to be intentionally vague, so as not to be used as a definitive road map to specified locations. By not divulging detailed or in Laird's case unknown information, greater chances were available to protect the cultural integrity of critical locations along the Salt Song trail.

To understand Salt Songs one must recognize these songs number in the hundreds and cannot be generalized or compartmentalized. Each tribal district such as the Pahrump Paiute Tribe is responsible for maintaining the

cultural integrity of their individual songs and coming together regionally with other Salt Singers from Southern Paiute/Chemehuevi homelands to make the songs whole and the journey complete. The cultural integrity of these songs is defined by the Paiute/Chemehuevi people who value and rely upon it to perpetuate the culture and sustain balance in the world.

These songs are not “owned” individual tribal groups or tribal districts, but are considered essential to the perpetuation of Southern Paiute/Chemehuevi culture. Simultaneously, the songs are used to maintain ecological and spiritual balance. The only way to fully understand the cultural dynamics and potential implications associated with these sacred songs are for all Southern Paiute/Chemehuevi to come together physically and spiritually to reach consensus on sustaining balance. These songs focus are intended to describe the landscape and beyond with special emphasis on 10 directions; four cardinal directions, up and down, past, present and future and lastly yourself as a Salt Song Singer or the persons and things along the journey. Because of the importance of these songs, all Southern Paiute/Chemehuevi people continue to rely on their importance.

L. Sebastian points repeatedly points out and focuses on NPS Bulletin 38 to Evaluate Traditional Cultural Landscapes including the Salt Song Landscape, knowing that at no during the HHSEGS application process did she visit or suggest the need for comprehensive or systematic studies to be conducted in the Hidden Hills vicinity to specifically identify Sacred Sites, TCPs in accordance with National Register Bulletins 38 of which she relies. Although commendable efforts were attempted in the CEC Rapid Ethnographic Assessment Procedure that particular report was not designed nor intended to collect the data necessary for determining eligibility as a TCP or Sacred Site. Any reference to the eligibility or listing on the National Register of Historic Places is inappropriate and not applicable at this time.

Further, L. Sebastian references and tries to describe how Salt Songs mention or describe places, giving the false impression that only those places listed on a map are the only credible locations that can be discussed or evaluated. She fails to understand that these songs are very complex and describe locations, places, regions, resources, activities, observations, interactions, and expectations, to name a few. Her attempt to encapsulate these songs into a simple meaning or description is highly inappropriate and illustrates her lack of knowledge of these culturally important songs and their relationship to the broader landscape.

In defending the HHSEGS, Sebastian states that insufficient information is provided to assess either the integrity of this Salt Song trail corridor and feature or the potential effects from the HHSEGS. If this position were present, then it would seem highly appropriate for the proponent to have conducted parallel systematic ethnographic studies to identify cultural landscapes to refute any potential discrepancies.

Interestingly, using her criterion that “only places named in the Salt Song cycle would constitute a historic property or set of properties eligible to the CRHR under Criterion 1 (Criterion A for the NRHP)” Clearly, numerous places within the Salt Song Landscape that meet this definition could impact a broader area if described by knowledgeable tribal representatives. Had the intended CEC study been developed for this purpose of identifying traditional cultural properties or landscapes, then further information may have been shared as is culturally permissible.

Unfortunately, and respectfully, it appears L. Sebastian is unfamiliar with the cultural components, which make up the Salt Song Landscape and the governing regulations of CEQA. Attempts to discredit the FSA and selectively using portions of the text where convenient to support her positions.

Biology

CH2MHill Biology – There is no information presented by project biologists, which takes into account American Indian cultural and religious values, perspectives and knowledge of biological impacts associated with the proposed project. American Indian epistemology relies heavily on biological resources in this area that the proponent has made no attempt to document or convey to these important aspects to CEC.

Hydrology

CH2MHill Hydrology - There is no information presented by project biologists that take into account American Indian cultural and religious values, perspectives and knowledge of hydrological impacts associated with the proposed project. No attempt has been made to document traditional ecological knowledge pertaining to hydrology and its interconnectedness to American Indian epistemology

DECLARATION OF SERVICE

I, Richard Arnold, declare that on February 11, 2013, I served and filed copies of the attached Rebuttal Testimony Summary, dated February 11, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/hiddenhills/>.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)


For service to all other parties and filing with the Docket Unit at the Energy Commission:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: 2/11/13

A handwritten signature in black ink, appearing to be "Richard Arnold", written over a horizontal line.



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**APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM**

Docket No. 11-AFC-02

**PROOF OF SERVICE
(Revised 9/20/12)**

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